

allowances held in such assurance account equal to the amount of the decrease. If CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances were transferred to such assurance account from more than one account, the amount of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances recorded in each such transferor account will be in proportion to the percentage of the total amount of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances transferred to such assurance account for such control period from such transferor account.

(C) Each CSAPR NO<sub>x</sub> Ozone Season Group 1 allowance held under paragraph (b)(6)(iii)(A) of this section as a result of recalculation of requirements under the CSAPR NO<sub>x</sub> Ozone Season Group 1 assurance provisions for such control period must be a CSAPR NO<sub>x</sub> Ozone Season Group 1 allowance allocated for a control period in a year before or the year immediately following, or in the same year as, the year of such control period.

[76 FR 48406, Aug. 8, 2011, as amended at 77 FR 10338, Feb. 21, 2012; 79 FR 71672, Dec. 3, 2014; 81 FR 74612, Oct. 26, 2016; 86 FR 23189, Apr. 30, 2021]

**§ 97.526 Banking and conversion.**

(a) A CSAPR NO<sub>x</sub> Ozone Season Group 1 allowance may be banked for future use or transfer in a compliance account or a general account in accordance with paragraph (b) of this section.

(b) Any CSAPR NO<sub>x</sub> Ozone Season Group 1 allowance that is held in a compliance account or a general account will remain in such account unless and until the CSAPR NO<sub>x</sub> Ozone Season Group 1 allowance is deducted or transferred under § 97.511(c), § 97.523, § 97.524, § 97.525, § 97.527, or § 97.528 or paragraph (c) or (d) of this section.

(c) At any time after the allowance transfer deadline for the last control period for which a State NO<sub>x</sub> Ozone Season Group 1 trading budget is set forth in § 97.510(a) for a given State and after completion of the procedures under paragraph (d)(1) of this section, the Administrator may record a transfer of any CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances held in the compliance account for a source in such State (or Indian country within the borders of such State) to a general account

identified or established by the Administrator with the source's designated representative as the authorized account representative and with the owners and operators of the source (as indicated on the certificate of representation for the source) as the persons represented by the authorized account representative. The Administrator will notify the designated representative not less than 15 days before making such a transfer.

(d) Notwithstanding any other provision of this subpart, part 52 of this chapter, or any SIP revision approved under § 52.38(b)(4) or (5) of this chapter:

(1) As soon as practicable after the completion of deductions under § 97.524 for the control period in 2016, but not later than March 1, 2018, the Administrator will temporarily suspend acceptance of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowance transfers submitted under § 97.522 and, before resuming acceptance of such transfers, will take the actions in paragraphs (d)(1)(i) through (iii) of this section with regard to every general account and every compliance account except a compliance account for a CSAPR NO<sub>x</sub> Ozone Season Group 1 source in a State listed in § 52.38(b)(2)(i) of this chapter (or Indian country within the borders of such a State):

(i) The Administrator will deduct all CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances allocated for the control periods in 2015 and 2016 from each such account.

(ii) The Administrator will determine a conversion factor equal to the greater of 1.0000 or the quotient, expressed to four decimal places, of the sum of all CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances deducted from all such accounts under paragraph (d)(1)(i) of this section divided by the product of 1.5 multiplied by the sum of the variability limits for the control period in 2017 set forth in § 97.810(b) for all States except a State listed in § 52.38(b)(2)(i) of this chapter.

(iii) The Administrator will allocate and record in each such account an amount of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for the control period in 2017 computed as the quotient, rounded up to the nearest allowance, of

the number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances deducted from such account under paragraph (d)(1)(i) of this section divided by the conversion factor determined under paragraph (d)(1)(ii) of this section, except as provided in paragraph (d)(1)(iv) of this section.

(iv) Where, pursuant to paragraph (d)(1)(i) of this section, the Administrator deducts CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances from the compliance account for a source in a State not listed in § 52.38(b)(2)(iii) or (iv) of this chapter (or Indian country within the borders of such a State), the Administrator will not record CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances in that compliance account but instead will allocate and record the amount of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for the control period in 2017 computed for such source in accordance with paragraph (d)(1)(iii) of this section in a general account identified by the designated representative for such source, provided that if the designated representative fails to identify such a general account in a submission to the Administrator by July 14, 2021, the Administrator may record such CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances in a general account identified or established by the Administrator with the designated representative as the authorized account representative and with the owners and operators of such source (as indicated on the certificate of representation for the source) as the persons represented by the authorized account representative.

(2)(i) After the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section, upon any determination that would otherwise result in the initial recordation of a given number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances in the compliance account for a source in a State listed in § 52.38(b)(2)(iii) of this chapter (or Indian country within the borders of such a State), the Administrator will not record such CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances but instead will allocate and record in such account an amount of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for the control period in 2017 computed as the

quotient, rounded up to the nearest allowance, of such given number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances divided by the conversion factor determined under paragraph (d)(1)(ii) of this section.

(ii) After the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and § 97.826(d)(1), upon any determination that would otherwise result in the initial recordation of a given number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances in the compliance account for a source in a State listed in § 52.38(b)(2)(v) of this chapter (or Indian country within the borders of such a State), the Administrator will not record such CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances but instead will allocate and record in such account an amount of CSAPR NO<sub>x</sub> Ozone Season Group 3 allowances for the control period in 2021 computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances divided by the conversion factor determined under paragraph (d)(1)(ii) of this section and further divided by the conversion factor determined under § 97.826(d)(1)(i)(D).

(e) Notwithstanding any other provision of this subpart or any SIP revision approved under § 52.38(b)(4) or (5) of this chapter, CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances or CSAPR NO<sub>x</sub> Ozone Season Group 3 allowances may be used to satisfy requirements to hold CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances under this subpart as follows, provided that nothing in this paragraph alters the time as of which any such allowance holding requirement must be met or limits any consequence of a failure to timely meet any such allowance holding requirement:

(1) After the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section, the owner or operator of a CSAPR NO<sub>x</sub> Ozone Season Group 1 source in a State listed in § 52.38(b)(2)(ii) of this chapter (or Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances for the control period in 2015 or 2016 by holding instead, in a general account

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established for this sole purpose, an amount of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for the control period in 2017 (or any later control period for which the allowance transfer deadline defined in § 97.802 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances divided by the conversion factor determined under paragraph (d)(1)(ii) of this section.

(2) After the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and § 97.826(d)(1), the owner or operator of a CSAPR NO<sub>x</sub> Ozone Season Group 1 source in a State listed in § 52.38(b)(2)(iv) of this chapter (or Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances for the control period in 2015 or 2016 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO<sub>x</sub> Ozone Season Group 3 allowances for the control period in 2021 (or any later control period for which the allowance transfer deadline defined in § 97.1002 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances divided by the conversion factor determined under paragraph (d)(1)(ii) of this section and further divided by the conversion factor determined under § 97.826(d)(1)(i)(D).

[76 FR 48406, Aug. 8, 2011, as amended at 81 FR 74612, Oct. 26, 2016; 86 FR 23189, Apr. 30, 2021]

### § 97.527 Account error.

The Administrator may, at his or her sole discretion and on his or her own motion, correct any error in any Allowance Management System account. Within 10 business days of making such correction, the Administrator will notify the authorized account representative for the account.

### § 97.528 Administrator's action on submissions.

(a) The Administrator may review and conduct independent audits concerning any submission under the CSAPR NO<sub>x</sub> Ozone Season Group 1

Trading Program and make appropriate adjustments of the information in the submission.

(b) The Administrator may deduct CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances from or transfer CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances to a compliance account or an assurance account, based on the information in a submission, as adjusted under paragraph (a) of this section, and record such deductions and transfers.

[76 FR 48406, Aug. 11, 2011, as amended at 81 FR 74614, Oct. 26, 2016]

### § 97.529 [Reserved]

### § 97.530 General monitoring, recordkeeping, and reporting requirements.

The owners and operators, and to the extent applicable, the designated representative, of a CSAPR NO<sub>x</sub> Ozone Season Group 1 unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this subpart and subpart H of part 75 of this chapter. For purposes of applying such requirements, the definitions in § 97.502 and in § 72.2 of this chapter shall apply, the terms “affected unit,” “designated representative,” and “continuous emission monitoring system” (or “CEMS”) in part 75 of this chapter shall be deemed to refer to the terms “CSAPR NO<sub>x</sub> Ozone Season Group 1 unit,” “designated representative,” and “continuous emission monitoring system” (or “CEMS”) respectively as defined in § 97.502, and the term “newly affected unit” shall be deemed to mean “newly affected CSAPR NO<sub>x</sub> Ozone Season Group 1 unit”. The owner or operator of a unit that is not a CSAPR NO<sub>x</sub> Ozone Season Group 1 unit but that is monitored under § 75.72(b)(2)(ii) of this chapter shall comply with the same monitoring, recordkeeping, and reporting requirements as a CSAPR NO<sub>x</sub> Ozone Season Group 1 unit.

(a) *Requirements for installation, certification, and data accounting.* The owner or operator of each CSAPR NO<sub>x</sub> Ozone Season Group 1 unit shall:

(1) Install all monitoring systems required under this subpart for monitoring NO<sub>x</sub> mass emissions and individual unit heat input (including all